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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

1

Application Number

10/618,353

Filing Date

July 11, 2003

First Named Inventor

Jean-Marie Mathias

Art Unit

3767

Examiner Name

Catherine N. Witczak

Attorney Docket Number

F-5932

ENCLOSURES (Check all that apply)☐ Fee Transmittal Form☐ Fee Attached☐ Amendment/Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/
Incomplete Application☐ Response to Missing Parts
under 37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a
Provisional Application☐ Power of Attorney, Revocation
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) _____☐ Landscape Table on CD

Remarks

☐ After Allowance Communication to TC☐ Appeal Communication to Board
of Appeals and Interferences☐ Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please identify below):- Response to Restriction
Requirement and Office Action
- Return Receipt Postcard**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd.

Signature

Printed name

Andrew G. Kolomayets

Date

March 21, 2006

Reg. No.

33,723

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Date

March 21, 2006

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PATENT
Attorney Docket No. F-5932

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:)
Jean-Marie Mathias)
Serial No.: 10/618,353)
Filed: July 11, 2003)
Examiner: Catherine N. Witczak)
Group Art Unit: 3767)
Title: NEEDLE PROTECTOR)

CERTIFICATE OF MAILING
BY "EXPRESS MAIL"

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Date of Deposit: March 21, 2006

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office Box Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

NAME Carmelo Santiago
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SIGNATURE *Carmelo Santiago*

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT
AND OFFICE ACTION OF FEBRUARY 23, 2006

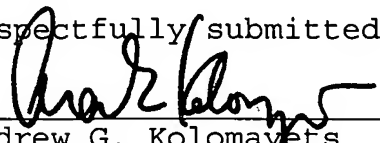
Sir/Madam:

In response to the Office Action (Restriction Requirement) of February 23, 2006, in the above-identified patent application, Applicant's provisionally elect the claimed invention of Group I (the embodiment of Fig. 4), with traverse and request that the Examiner reconsider and withdraw the restriction requirement for the reasons set forth below. Claims 1-9 and 11 read on the embodiment of Fig. 4.

With this election, Applicant understands that upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all of the limitations of an allowed generic claim. In the event that the Restriction Requirement is not withdrawn, Applicants reserve the right to pursue the non-elected claims (claim 10) in a later application.

Applicants respectfully submit that the subject matter of all of the claims is sufficiently related to allow for examination of all of the claims together. At the very least, it would seem that restriction as between the embodiment of Fig. 9 and the embodiment of Fig. 10 is unnecessary in that both Figs. 9 and 10 show the claimed needle protector with a cap, as recited in Claim 10 -- the only claim that would not read on the embodiment of Fig. 4. Applicant submits that the otherwise common subject matter of the claims warrants examining all of the claims together. In fact, it seems that a single examination would be more economical and certainly would not create any serious burden on the Patent Office.

Respectfully submitted,


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